

**A REGULAR MEETING
OF
THE PUBLIC SERVICE COMMISSION**

Due to Governor John Carney's Declaration of a State of Emergency (effective March 13, 2020), this meeting was conducted via telephone as well as video streamed live starting at 1:00 p.m.

The Meeting was called to order by Chairman Dallas Winslow (attending in person) on Wednesday, July 15, 2020, at 1:00 p.m. with the following Commissioners via telephone and live stream: Joann Conaway, Kim Drexler, Harold Gray, and Manubhai C. Karia.

The following Staff members were in attendance in person: Dr. Raj Barua, Matthew Hartigan, and Donna Nickerson. The following Deputy Attorneys General were in attendance via telephone: William O'Brien, Esq., and Thomas Walsh, Esq.

Andrew Slater and Regina Iorii, Esq., appeared on behalf of the Division of Public Advocate via telephone.

Before the meeting began, Chairman Winslow congratulated Thomas Walsh, Esq. and Amy Willey on their five years of service with the State of Delaware.

Commissioner Conaway moved to approve the Public and Executive meeting minutes from the June 3, 2020 meeting as presented; the motion was seconded by Commissioner Karia and approved 5-0.

Commissioner Drexler moved to approve the Public and Executive meeting minutes from the July 17, 2020 meeting as presented; the motion was seconded by Commissioner Gray and approved 5-0.

1. CONSENT AGENDA:

A motion was made by Commissioner Karia to adopt the following Consent Agenda items:

IN THE MATTER OF THE APPLICATION OF TIDEWATER UTILITIES, INC. FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO PROVIDE WATER SERVICES PURSUANT TO 26 *DEL. C.* § 203C ("SUSSEX032520") (FILED APRIL 23, 2020) – PSC DOCKET NO. 20-0283

- Commission considered Staff Memorandum and proposed Order Nos. 9615.

IN THE MATTER OF THE APPLICATION OF ARTESIAN WATER COMPANY, INC. FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO PROVIDE WATER SERVICE PURSUANT TO 26 *DEL. C.* §203C. ("CLAYTON2.00, HICKORY7.00, & DELAWARE40.00") (FILED APRIL 23, 2020) – PSC DOCKET NO. 20-0285

- Commission considered Staff Memorandum and proposed Order No. 9616.

IN THE MATTER OF THE APPLICATION OF ARTESIAN WATER COMPANY, INC. FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO PROVIDE WATER SERVICES PURSUANT TO 26 DEL. C. § 203C (“BAYARD2.00 & BAYARD5.00”) (FILED APRIL 30, 2020) – PSC DOCKET NO. 20-0295

- Commission considered Staff Memorandum and proposed Order No. 9618.

IN THE MATTER OF THE APPLICATION OF ARTESIAN WASTEWATER MANAGEMENT, INC., FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO PROVIDE WASTEWATER SERVICES PURSUANT TO 26 DEL. C. § 203D (“GEORGETOWN70.00, GEORGETOWN32.03, GEORGETOWN17.00, & GEORGETOWN31.00”) (FILED MAY 7, 2020) – PSC DOCKET NO. 20-0318

- Commission considered Staff Memorandum and proposed Order No. 9619.

The motion was seconded by Commissioner Gray and approved 5-0.

2. REGULAR AGENDA:

IN THE MATTER OF THE JOINT APPLICATION OF ARTESIAN WATER COMPANY, INC. AND THE CITY OF DELAWARE CITY FOR APPROVAL TO CLOSE ON AN ASSET PURCHASE AGREEMENT PURSUANT TO 26 DEL. C. §215 (FILED JUNE 11, 2020) – PSC DOCKET NO. 20-0361

- Thomas Walsh, Esq., and Lisa Driggins appeared on behalf of Staff.
- William O’Brien, Esq. appeared on behalf of Commission via telephone.
- Karl Randall, Esq., Morris, Nichols, Arsht & Tunnell, LLP, David Spacht, Diane Taylor, and Nicole Taylor appeared on behalf of Artesian Water Company, Inc. via telephone.
- Mr. O’Brien advised the Commission not to admit Suez Delaware’s letter into evidence as an exhibit but rather consider it as a public comment. The Commission took Mr. O’Brien’s advice and did not admit Suez Delaware’s letter.
- A motion was made by Commissioner Gray and seconded by Commissioner Karia to approve proposed Order 9623 as presented; the motion was approved 5-0.
- A verbatim transcript was made of this proceeding.

4. DIRECTOR’S COMMENTS:

- Dr. Barua presented the Commission with the proposed schedule for Commission meetings in 2021. Commissioner Gray moved to approve the schedule as presented; Commissioner Conaway seconded the motion and it was approved 5-0.
- Dr. Barua informed the Commission that steps were taken to do a complete office clean and de-sanitization.
- Dr. Barua announced that Commissioners Gray and Karia were present at a recent presentation on renewable natural gas by a professor and student from the University of Delaware. The study was funded by the PSC and will be released by the end of this week.

5. PUBLIC COMMENTS:

- Ms. Dawn Kurtz-Compton, Esq. and James Jacoby appeared via telephone on behalf of Delmarva Power & Light Company (“Delmarva”). Ms. Kurtz-Compton commented on Order No. 9614 in Regulation Docket 56. Delmarva would like the Commission to provide clarification as to whether that Order is intended to prohibit Delmarva from recovering cost associated with procurement with a term of one year or less in duration, known colloquially as spot purchases. Ms. Kurtz-Crompton stated that, while the Order does not expressly preclude Delmarva from making spot purchases, the uncertainty in Order 9614 has the potential to create significant impacts to Delmarva’s business practices in connection with its procurement planning. Delmarva would like the Commission’s clarification regarding the scope and effect of Order 9614, such as Delmarva being denied cost recovery for any of its future REC purchases and so that Delmarva can effectively plan its procurement. Ms. Kurtz-Crompton assured the Commission that Delmarva would comply with any appropriate adjustments to the renewable energy procurement planning process.
- Mr. Dale Davis, representing the Delaware Solar Energy Coalition, asked the Commission to reconsider Paragraph 1(b) in Order No. 9614 and requested that the auction continue until the RPS freeze regulations are resolved in the courts and in the legislature.
- Ms. LaVaide Owens-White, representing the Delaware Interfaith Power and Light, also requested that Paragraph 1(b) of Order No. 9614 be revoked. Ms. Owens-White believes that this creates confusion, uncertainty, and obstacles to expansion of renewable energy projects in Delaware.
- Chairman Winslow and Commissioner Gray separately thanked the presenters and expressed to Mr. Davis and Ms. Owens-White that the Commission has the duty to balance the interests of all the parties and to follow the law, particularly in this case with respect to the freeze.
- Finally, Chairman Winslow also announced that the next Commission would be held via teleconference on Wednesday, July 29, 2020, at 1:00 P.M.

This meeting was adjourned at approximately at 1:47 P.M.

Respectfully submitted,

/s/ Donna Nickerson
Secretary